

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
LETTERS PATENT APPEAL NO.62 OF 2007

The Managing Director,
Balasaheb Desai Sahakari
Sakhar Karkhana Ltd. .. Appellants

Vs.

Kashinath Ganpati Kambale .. Respondent

Mr.S.R.Nargolkar for the appellants

Mr.Avinash Fatangare for the respondent

**CORAM : J.N.PATEL &
A.A.SAYED, JJ.**

DATED : 23RD APRIL, 2007

P.C.:

1. Heard.

2. The appellant employer has impugned the order passed by the Labour and Industrial Tribunal as well as the learned single Judge of this court in granting reinstatement with continuity of service and half back wages to the respondent employee on the ground that taking into

consideration the nature of charges which have been proved against the respondent workman, the Labour and Industrial Tribunal as well as the learned single Judge ought not to have interfered with the punishment of dismissal.

3. It is not disputed that the respondent workman prior to initiating the enquiry into the charges had put in 10 years of service. The respondent had taken a stand that as he was former police patil of the village and the villagers voted against the Chairman of the employer society, he came to be dismissed from service on trumped up charges.

4. The courts below have examined the issue and found that the order of dismissal was shockingly disproportionate in the case of respondent workman particularly having ignored his past record. We find that the charges relate to a specific period of the year 1983 which was probably the period when the elections were held in which admittedly, the Chairman of the appellant society contested the elections for the legislative

assembly and lost.

5. Therefore, in view of the concurrent findings of the Labour and Industrial Tribunal, the learned single Judge found that the view taken by the Labour and Industrial court do not call for any interference and that they have exercised their discretion fairly and judiciously and refused to interfere in the matter.

6. We find that the view taken by the learned single Judge is supported by the material on record which was considered by the Labour and Industrial Tribunal and therefore, there is no merits in the appeal. The same is dismissed with costs.

(SHRI J.N. PATEL, J)

(SHRI A.A. SAYED, J)